



03-08-04

EXPRESS MAIL NO. EV336652130US

<b>TRANSMITTAL FORM</b>  (To be used for all correspondence after initial filing)	Application Number	10/671,070
	Filing Date	September 24, 2003
	First Named Inventor	Rama Bhatt
	Art Unit	1614
	Examiner Name	
	Attorney Docket No.	200144.404

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Appeal Communication to Group (please identify below):
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Declaration	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input checked="" type="checkbox"/> Statement under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Cited References	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Additional Enclosure(s)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	<u>Copy of Assignment</u>
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		<u>Small Entity Statement</u>
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<u>Remarks</u>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	Richard G. Sharkey, Ph.D. Reg. No. 32,629	Customer Number 00500
Signature		
Date	March 4, 2004	

VIA EXPRESS MAIL
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Please type a plus sign (+) inside this box

+

**ELECTION AND POWER OF  
ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	10/671,070
Filing Date	September 24, 2003
First Named Inventor	Rama Bhatt
Group Art Unit	1614
Examiner Name	
Attorney Docket Number	200144.404

Cell Therapeutics, Inc. hereby appoints:

☒ Practitioners at Seed IP Law Group PLLC

OR

☐ Practitioner(s) named below:

Name	Registration Number



00500

PATENT TRADEMARK OFFICE

as our attorneys or agents to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

Cell Therapeutics, Inc. is

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest Cell Therapeutics, Inc. hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.**SIGNATURE of Applicant or Assignee of Record**

Name	James Canfield, EVP/Chief Administrative Officer, Cell Therapeutics, Inc.
Signature	
Date	March 3, 2004

Signature

Date

March 3, 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 form is submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rama Bhatt et al.  
Attorney's Docket No: 200144.404  
Application No.: 10/671,070  
Filed: September 24, 2003  
For: PYRIMIDINES AND USES THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) -- SMALL BUSINESS CONCERN

I declare that I am:

- ☐ the owner of the small business concern identified below.  
☒ an official of the small concern empowered to act on behalf  
of the concern identified below.

NAME OF CONCERN: Cell Therapeutics, Inc.  
ADDRESS OF CONCERN: 501 Elliott Avenue West, Suite 400  
Seattle, Washington 98119

I declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3-18 and reproduced in 37 C.F.R. § 1.9(d) for purposes of paying reduced fees under 35 U.S.C. §§ 41(a) and 41(b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I declare that rights under contract or law have been conveyed to and remain with the small business concern with regard to the invention entitled:

**PYRIMIDINES AND USES THEREOF**

by inventors: Rama Bhatt et al.  
as described in:

- ☐ the specification filed herewith.  
☒ Application No. 10/671,070, filed September 24, 2003.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an

independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).\*

\*NOTE: Separate verified statements are required from each named person, concern and organization having rights to the invention averring to his/its status as a small entity. (37 C.F.R. § 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

- ☐ individual  
☐ small business concern  
☐ nonprofit organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

- ☐ individual  
☐ small business concern  
☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: James Canfield

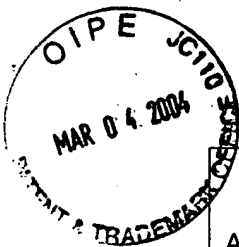
TITLE OF PERSON OTHER THAN OWNER: EVP/Chief Administrative Officer

ADDRESS OF PERSON SIGNING: Cell Therapeutics, Inc.

501 Elliott Avenue West, Suite 400, Seattle, WA 98119

SIGNATURE: James Canfield

DATE: March 3, 2004

**STATEMENT UNDER 37 CFR 3.73(b)**Applicants: Rama Bhatt et al.Application No.: 10/671,070 Filed: September 24, 2003Cell Therapeutics, Inc.

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a **copy thereof is attached**.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 3, 2004

Date

James Canfield

Typed or printed name

Signature

EVP/Chief Administrative Officer

Title

ASSIGNMENT

**COPY**

WHEREAS, we, **Rama Bhatt**, having a post office address of 1810 Northeast 175<sup>th</sup> Street, Shoreline, Washington 98155, **Baoqing Gong**, having a post office address of 2324 North 178<sup>th</sup> Street, Shoreline, Washington 98133, **Feng Hong**, having a post office address of 12316 32<sup>nd</sup> Avenue Northeast, #301, Seattle, Washington 98125, **Scott A. Jenkins** having a post office address of 5339 Roosevelt Way Northeast, Apartment #1, Seattle, Washington 98105, **J. Peter Klein**, having a post office address of 18822 Ridge Road Southwest, Vashon, Washington 98070, **Cory T. Kohm**, having a post office address of 2602 Fourth Avenue, Stonecliff Apartments #4, Seattle, Washington 98121 and **John Tulinsky**, having a post office address of 15 Aloha Street, Apartment #6, Seattle, Washington 98109 (hereinafter referred to as ASSIGNORS), are the joint inventors/applicants of an invention entitled "PYRIMIDINES AND USES THEREOF," as described and claimed in the specification forming part of an application for United States letters patent executed herewith; which application claims the benefit of United States Provisional Application Nos. 60/460,776, filed April 04, 2003 and 60/419,694, filed October 17, 2002;

WHEREAS, Cell Therapeutics, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at 501 Elliott Avenue West, Suite 400, Seattle, Washington 98119, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on

said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

**COPY**

9/22/03  
Date \_\_\_\_\_

Rama Bhatt  
Rama Bhatt

State of WA )  
County of KING ) ss.

I certify that I know or have satisfactory evidence that Rama Bhatt is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 22 September 2003

Signature of Notary Public Mary S. Walker

Printed Name MARY S. WALKER

My appointment expires 07-12-2006

**COPY**

9/22/03  
Date

Baoqing Gong  
Baoqing Gong

State of WA )

County of WASH KING ) ss.

I certify that I know or have satisfactory evidence that Baoqing Gong is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument



Dated September 22, 2003

Signature of Notary Public Mary S. Walker

Printed Name MARY S. WALKER

My appointment expires 07-12-2006



**COPY**

9-22-03  
Date

Feng Hong  
Feng Hong

State of WA )  
County of KING ) ss.

I certify that I know or have satisfactory evidence that Feng Hong is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated September 22, 2003  
Signature of Notary Public Mary S. Walker  
Printed Name MARY S. WALKER  
My appointment expires 07-12-2006

**COPY**

9/22/03  
Date

Scott A. Jenkins  
Scott A. Jenkins

State of WA )

County of KING )

ss.

I certify that I know or have satisfactory evidence that Scott A. Jenkins is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument



Dated September 22, 2003

Signature of Notary Public Mary S. Walker

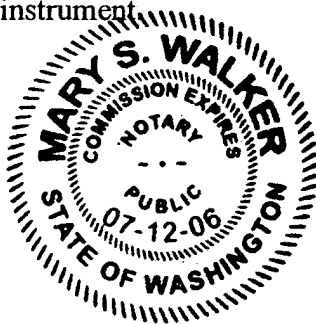
Printed Name MARY S. WALKER

My appointment expires 07-12-2006

**Copy**

Date 9/22/03 J. Peter Klein  
State of WA )  
County of KING ) ss.

I certify that I know or have satisfactory evidence that J. Peter Klein is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated September 22, 2003  
Signature of Notary Public Mary S. Walker  
Printed Name MARY S. WALKER  
My appointment expires 07-12-2006

**COPY**

9/22/2003  
Date \_\_\_\_\_  
Cory T. Kohm  
Cory T. Kohm  
State of WA )  
County of KING ) ss.

I certify that I know or have satisfactory evidence that Cory T. Kohm is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 9 September 2003  
Signature of Notary Public Mary S. Walker  
Printed Name MARY S. WALKER  
My appointment expires 07-12-2006

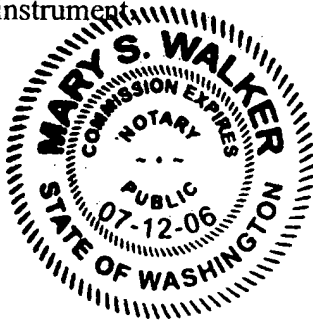
**COPY**

9/22/03  
Date  
State of Washington  
County of King )

John Tulinsky  
John Tulinsky

ss.

I certify that I know or have satisfactory evidence that John Tulinsky is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated 9/22/03  
Signature of Notary Public Mary S. Walker  
Printed Name MARY S. WALKER  
My appointment expires 07-12-2006